

MARSHFIELD DEVELOPMENT REVIEW BOARD

Meeting Minutes • Thursday, May 8, 2014 • 7:00 p.m., Old School House Common

DRB members present: James Arisman, Gary Leach, Michael Schumacher, Les Snow, and Jenny Warshow. DRB member absent: none. Also present: Bob Light (Zoning Administrator), Barbara Burkhalter (recording secretary), Sarah Norton, Otto Hansen, Timothy Roberts, Charles Cogbill, Brian Holm, Bob Atchinson, Debra Stoleroff, and Rich Phillips.

The DRB members reviewed and approved the minutes of meetings dated December 12, 2013 and April 10, 2014.

Request by RL Vallee for a conditional use permit and site plan approval for a commercial operation (changes to signs and additional lighting) at Maplefields, 8132 US Route 2, Parcel ID #RT007:

At 7:15 p.m., James opened the hearing by asking Mr. Hansen to give a brief description of the project:

- The west end of the lot (parking and dumpster area) is not very well lit and considering the safety issues for both customers and employees they would like to install two LED light fixtures near the western wall (near Hillside Drive) and one by the dumpster
- The gas station has switched from Mobil to Irving. The Mobil price sign will be taken down and replaced with an Irving sign of similar size and the Mobile blue stripe on the gas pump canopy will be replaced with the Irving blue stripe

Bob Light (ZA) stated that the signs are of similar size, different shape and that there are no zoning violations.

Comments/questions from the DRB and response and/or statement from Mr. Hansen:

- The height of the Irving sign looks to be lower and will that cause a visibility problem for exiting drivers? No, the sign will be set farther back from the road, so it shouldn't be an obstruction, but they'd be willing to set it as high as the DRB sees is needed
- A concern was raised about how the new lighting will affect the neighbors
- The store is open from 5 a.m. to 12 a.m. and the lights be on a timer to be automatically shut off during the hours the store is closed
- Mr. Hansen described the lights as downcast and will find out the minimum height they could be installed
- The posts will be in front of the wall
- A member asked about ways to reduce the glare. The light is recessed into the fixture, so there is not as much spill
- How much is the dumpster used and would it be possible to put the light by the dumpster on a switch? About ½-1 hour (the staff uses it at night to empty the trash) and they would prefer to not use a switch

It was confirmed at this point that the neighbors had been sent notice of the hearing and that the zoning notice sign is hanging in the window of the store. There have been no complaints of light spillage from the existing lights.

Comments by neighbors:

- Concerned about the height of light and how large it will be
- Would like the DRB to recommend the lowest level of signage
- Concerned about the cumulative effect of the lighting; driving in from either direction the lighting is very bright already, especially when it is foggy. It was suggested that the lighting be minimized by reducing the number and/or size of the lights, what kind, adding reflectors to the lights, creating shielding with landscaping, find out what the energy standards are and adhere to them

- Concerned about the nature of the building and quality of the village character and how the lights affect the night sky. Is it necessary to light up the entire parking area from 10 p.m. to 12 a.m.
- The lighting is too bright and intense and the number of lumens needs to be reduced, complying with the energy code

Further comments from Mr. Hansen:

- They will comply with the number of lumens the DRB recommends
- They only want to illuminate the parking spaces and will look into getting the lowest possible fixture
- The landscaping suffered over the winter and they will be doing some replanting
- They will not change the hours the store is open and it is important to them to provide sufficient lighting for their customers and employees as non-invasively as possible
- They are willing to meet with the energy committee

The ZA stated that the sign has not changed much since it was Tim's Convenience, but they are maxed out on area allowed for signage and will not be allowed to add any more.

At this point all parties who testified were sworn in. At 8:24 p.m., there being no further testimony or questions, James moved to recess. The DRB will issue a written decision within 45 days.

Request by Brian Holm for a conditional use permit and site plan approval for a commercial operation (junkyard) at 2120 Maple Hill Road, Parcel ID #MA050:

At 8:26 p.m., with a quorum present, James opened the hearing. All parties intending to testify were sworn in and it was confirmed that notice had been sent to the neighbors.

The ZA provided some context for the hearing: Before 2010 the State of Vermont had no rules and regulations for salvage yards and is now working on getting all salvage yards in compliance. The state has issued Mr. Holm a first violation notice (operating salvage yard without a state permit) and is requiring him to get a certificate of approved location for a salvage yard from the Town of Marshfield, after which it will stop action on the violation notice. Mr. Holm thought he was covered under the home business provision, but he is not and needs to get a variance. The Selectboard decided to let the DRB decide the matter. If the DRB will not issue an approval certificate the state will issue the final violation and Mr. Holm's business will be shut down. Mr. Holm's is trying to comply with state law. The conditional use permit is needed because it is a commercial operation.

Comments from the DRB and ZA:

- The state has regulations, so the conditional use permit could add to what the state already regulates
- Concerns about vehicles in the forestry and conservation district
- Concerns about the vehicles on a neighbors property (per pictures)
- The state doesn't require soil tests
- Will discuss the number of vehicles allowed on a yearly basis

Mr. Holms stated that he understands everything and is willing to comply with their decision. He will not be expanding his business and expects to be out of business within five years. He will be reducing the number of vehicles he brings in from 4-5/year to 1-2/year.

Comments from neighbors:

- Concerns were raised about hazardous materials (antifreeze, barrels and batteries on site when the home burned), water run-off running down the culvert to a neighboring spring and would like the water of the spring and well tested
- Believes the property to be an eyesore and the value of neighboring properties has gone down because of it

If Mr. Holm gets approval he will be subject to the state's Agency of Natural Resources inspections and regulations (concerning hazardous waste, screening, etc.). He needs to provide a scale drawing to go along with his application. A site visit will be arranged. Bob submitted satellite photos showing the property at different times from 1979-2011.

At 9:21 p.m., James moved to recess and continue the hearing on June 12, 2014.

Respectfully submitted,
Barbara S. Burkhalter

Final
Approved June 14, 2014